THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19161 of 1998

Dated:26.04.2007

Between
B.N.K.victor

.....Petitioner

and

The Divisional Manager,
Life Insurance Corporation of
India, Divisional Office
Jadithota, Rajahmundry.

...Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19161 of 1998

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondent to appoint the petitioner to the post of Junior Assistant or in any equivalent or suitable post on compassionate grounds.

It appears that the father of the petitioner viz., B.N.K.Victor died in harness on 29.06.1995 while in service of the respondent-Corporation at Divisional Office, Rajahmundry. Therefore, the petitioner filed a representation dated 15.12.1995 along with the death certificate of his father seeking employment in the Corporation on compassionate grounds. In fact, the petitioner was asked to furnish certain details *vide* letter dated 30.1.1996. Accordingly, the petitioner submitted all the

details. Unfortunately, the said application was rejected on 18.4.1996 without furnishing any reasons. Therefore, the present writ petition is field.

A detailed counter-affidavit has been filed on behalf of the respondent wherein it is asserted that the case of the petitioner was considered by the Competent Authority as per the Recruitment Rules and the Competent Authority rejected the same for the reason that the wife of the deceased employee was gainfully employed in the State Government service as V.D.O as on 29.6.1995 i.e., the date of her husband's death. It is pertinent to note that she did not seek any appointment on compassionate grounds in the Corporation after the death of her husband. Therefore, the petitioner is not eligible for appointment on compassionate grounds.

Learned counsel for the petitioner strenuously contended that the impugned order 28.8.1996 is bereft of any reasons and

even in the counter filed before this Court except stating that the mother of the petitioner was gainfully employed as on the date of death of his father, no other reasons were furnished.

I am in complete agreement with the submissions made by the learned counsel for the petitioner. The impugned order dated 28.8.1996 is as simple that it does not reveal any reasons except stating that on the representation dated 18.4.1996, the Zonal Office, Hyderabad advised that it is not found possible to consider the case of the petitioner for appointment on compassionate grounds. Except this, there is no whisper as to why the case of the petitioner was rejected. Even in the counter, it does not reveal any reasons for rejecting the case of the petitioner except a few which are narrated above. Under these circumstances, I deem it appropriate to set aside the impugned order dated 28.8.1996.

Accordingly, the writ petition is allowed and the impugned order dated 28.8.1996 is set

aside. The respondent is directed to consider the case of the petitioner after putting him on notice and hearing him personally and pass appropriate orders as per law, within a period of four weeks from the date of receipt of a copy of this order.

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26-04-2007

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